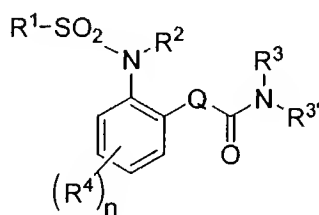


REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Status

Claim 1 is amended to focus the claims on embodiments having the following chemical formula:



where Q is C₂ to C₃ alkylene. Claim 5 is now canceled since its limitations were brought into claim 1.

Claim 2 is amended to correct spelling errors.

Claim 6 is amended to correct its dependency to a pending claim and to correct a spelling error.

Claims 7, 8, and 10 are also amended to correct the dependency to a pending claim.

Claim 15 is amended to incorporate definitions for R² and R^{3'}. Support for this amendment may be found, for example, on page 19 of the specification.

Claim 16 is amended to correct a spelling error.

No new matter is added by this amendment and therefore, Applicants request its entry. Applicants reserve the right to file a continuing application directed to canceled subject matter.

After entry of the amendment, Claims 1-4, 6-8, 12, 15-16, and 29 are pending.

Claims 5, 9, 17-20, 23-28, and 30-31 are canceled.

Claims 9-11, 13-14, 21-21 stand withdrawn.

Election/Restrictions

Applicants acknowledge that the claims within elected Group I have been examined to the extent that they are readable on the elected species of Compound 93. Applicants further acknowledge that the search and examination was expanded within the elected group I until art was found. The subject matter searched included the elected species and compound of formula I where W is oxygen and all other variables are as defined in claim 1.

Applicants would like to point out that the elected species (and all other exemplified compounds in the description) are compounds where W is nitrogen. Accordingly, Applicants have focused the claims on compounds where W is nitrogen. As such, Applicants would appreciate if the Office could extend the search to include compounds where W is nitrogen.

Further, Applicants also request that since the elected species reads on compounds where W is nitrogen and have amended the claims accordingly, withdrawn claims 9-11, 13-14, and 21-22 also being directed to compounds where W is nitrogen, be brought back to pending status and examined.

Claim Objections

Claims 5-8 and 16 are objected to as being drawn in part to non-elected subject matter. Applicants respectfully disagree. Applicants elected compound 93 and claims 5-8 and 16 all read on the elected species. Applicants presume that this objection was made in error.

Claim Rejections under 35 U.S.C. § 112, first paragraph

Claim 15 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The claim allegedly contains subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Without acquiescing, Applicants have amended claim 15 to recite the variables for R^2 and R^3 as set forth on page 19 of the specification. The variables R^1 and R^3 are as defined in claim 1. The Office states that the specification provides specific variables for R^1 and R^3 ; however, the paragraph simply states that the variables are as defined above.

Applicants submit that this amendment obviates the rejection and therefore request its withdrawal.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4, 12, 15 and 29 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by German Patent document No. DE 3000519 A by Kraas et al.

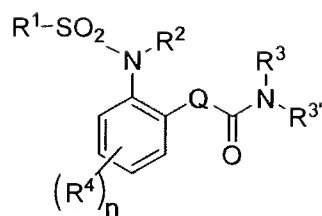
To anticipate a claim, a single source must contain all of the elements of the claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.* 802 F.2d 1367, 1379 (Fed. Cir. 1986).

Applicants submit that that Kraas et al. only teach compounds having W being oxygen. As all of the current claims are directed to compounds where W is nitrogen, Kraas does not teach all elements of the claim. Therefore, Kraas et al. does not anticipate the currently claimed invention. As such, Applicants respectfully request withdrawal of this rejection.

Claim Rejections under 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Document No. DE 23000519 A by Kraas et al.

As stated above, Applicants have amended claim 1 to compounds having the following chemical structure:



As can be seen from the above noted structure, all compounds of the currently claimed invention must have an amide attached to the phenyl ring via an alkylene (either C₂ or C₃). This includes claim 3, which is dependent from claim 1.

Applicants submit that that the Office has not met their burden of showing a *prima facie* case of obviousness of the currently claimed independent claim 1. Therefore, Applicants submit that claim 1 is not obvious in view of Krass et al. As the independent claim is not obvious, then the claims dependent therefrom are also not obvious in view of the art cited. As such, Applicants request withdrawal of this rejection or request further clarification of this rejection in view of the currently amended claims.

Conclusion

Applicants believe that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37

C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date Nov. 11, 2010

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